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Paw

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

Lacour, et al

SERIAL NO. 10/060,027

EXAMINER: Cuff

FILED: 01/28/2002

GROUP ART UNIT: 3627

TITLE: BUSINESS METHOD FOR MEMORIALIZING VEHICLE PURCHASE TRANSACTIONS

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated 12/14/2004, please consider the following:

REMARKS

In response to the Office Action dated December 14, 2004, please consider the following remarks made in a good faith attempt to move prosecution of this application forward to a proper allowance of the claims.

Please note that any and all fees associated with this response, including any applicable extension fees under 37 C.F.R. 1.136, and any fees for newly presented claims, may be charged to the deposit account of the undersigned, Account No. **50-0894**.

Applicant here requests such extensions under 37 C.F.R. 1.136 as may be necessary to render this response timely.

Claim Objections

Claims 1 and 2 stand rejected under 35 U.S.C. 103, based on Seaman in view of Whitcomb.

It is respectfully urged that Seaman, et al is inapposite, and, in fact, teaches away from the present invention in what may, perhaps, be subtle but very important respects.

Seaman teaches the aggregation of still photographs, video segments and/or audio (specifying that at least one still always be involved) to create what is, in essence, a work of audio-visual art. The end product is whatever the user composes it to be, having whatever content, in whatever order, and with whatever audio overlays as the user may desire for the desired effect. Were any such artistic elements to be employed in practicing the present invention, it would render the same useless.

The stated purpose of the present invention is to memorialize specific, later-identifiable and searchable vehicle purchase events for, in essence, evidentiary purposes in protecting the automobile dealership in legal contexts. Were the present system to be constructed in such a manner as to "doctor" the elements in such a way as to pick and choose the presented end-product, it would be of no value whatsoever to the user in this context. In fact, its use would as likely as not be viewed as highly suspect, if not outright fraudulent.

Therefore, it is respectfully submitted that Seaman teaches away from the present invention. In part, because of this, there is also lacking the requisite suggestion in the art to combine Seaman with Whitcomb (or any other reference) to arrive at the claimed invention.

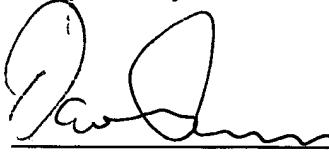
With respect to Whitcomb, it is respectfully submitted that such art, whether or not combined with Seaman, is inapposite to the current issue of patentability. Whitcomb teaches a process for providing a replica of a purchased vehicle to the purchaser, referring to "memorial and nostalgic reasons."

Recording a transaction, including the legally-required disclosures and consumer purchasing decisions, and storing and cataloging the transaction for later protection of the dealership in the event of a dispute is a very different purpose or effect than provided by Seaman and/or Whitcomb.

The compelling needs satisfied by the present invention are described in the original specification, and may, upon request of the Examiner, be bolstered by industry acclaim of the inventor's systems, and will illustrate long-felt, but unsatisfied need as is more than adequate to render moot any initially perceived obviousness in view of Seaman and Whitcomb.

In view of the foregoing, it is respectfully requested that Examiner withdraw the obviousness rejection and pass the present application to Allowance at the earliest opportunity.

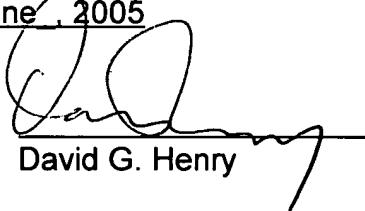
Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450, on this the 14 day of June, 2005



David G. Henry